

THE SEPARATION  
OF THE CHURCHES AND STATE  
IN FRANCE

---

W.H.H. STOWELL

2744 589  
**KEEP YOUR CARD IN THIS POCKET**

Books will be issued only on presentation of proper library cards.

Unless labeled otherwise, books may be retained for four weeks. Borrowers finding book marked, detached or mutilated are expected to report same at library desk; otherwise the last borrower will be held responsible for all imperfections discovered.

The card holder is responsible for all books drawn on his card.

No books issued unless penalties are paid.

Lost cards and change of residence must be reported promptly.



**PUBLIC LIBRARY,  
KANSAS CITY, MO.**

**KEEP YOUR CARD IN THIS POCKET**



30 Mar

22 MyG

8000

11 Jun

24 Jul '39 01

JAN 1943 55

**MAI** JAN 24 1980









The Separation  
of  
The Churches and The State  
in France

**With the compliments  
of the author**



The Separation  
of  
The Churches and The State  
in France

BY  
WM. HENRY HARRISON STOWELL  
OF AMHERST, MASS.



AMHERST, MASS.

1917.

COPYRIGHT, 1917,  
BY  
WM. HENRY HARRISON STOWELL

274.4  
S89

**Stanhope Press**  
F. H. GILSON COMPANY  
BOSTON, U.S.A.

## PREFACE

ALTHOUGH this question of the Separation of the Church and the State does not directly affect us in America, it commands attention nevertheless from the fact that so large a portion of our people are deeply interested in it because they are members of the Roman Catholic Church which is one of the parties to the controversy.

Living in Paris during this period, the writer became deeply interested in it, was a witness to some of the exciting episodes and heard it discussed, praised and criticized, by all manner of men from an Archbishop and an Ambassador down to the ubiquitous concière.

With an abundance of time, that else might have been wasted, but which was utilized, instead, in watching the manifestations and developments, the facts noted and conclusions drawn were finally reduced to writing and published in Paris in March, 1907.

W. H. H. STOWELL.





## CONTENTS

---

CHAPTER	PAGE
I. THE EARLY CHURCH . . . . .	I
II. THE APOSTOLIC SUCCESSION . . . . .	8
III. THE HOLY ROMAN EMPIRE . . . . .	20
IV. THE MODERN ROMAN CHURCH IN FRANCE . . . . .	24
V. THE SEPARATION . . . . .	49
VI. THE LAW OF SEPARATION . . . . .	90



# The Separation of the Churches and the State in France

---

## CHAPTER I

### THE EARLY CHURCH

THIS is an epoch-making period in French as well as in Church history. The burning question in France and, indeed, in Europe, at the opening of the Twentieth Century, "The Separation of the Church and the State," is the same one that confronted Christ at the beginning of the First, which He answered thus:

"Render unto Cæsar the things which are Cæsar's and unto God the things that are God's."

So far as the Church is concerned it has also been a vital question for it through all the intervening centuries.

Underlying all policies and creeds, like a foundation, stands this claim to Temporal Power. Above all ideals and prayers has soared their ambition to rule the world.

This question of temporal power, though

forming no part of the mission of Christ himself, was nevertheless bred in the bone and was burned into the very soul of his early worshippers as the result of their sufferings under the fierce persecutions practiced upon them during the first four centuries of the life of the church, or until their Union with the State after the Council of Nicæa.

The early Christians worshipped one God, believed in His omnipotence and supremacy and thereby technically questioned the sovereignty of Rome under whose political jurisdiction they lived. Rome had many Gods, implicitly believed in her own sovereignty and relentlessly crushed those who denied it. One more God added to her many deities would not make much difference to her, but just imagine the haughty Roman who held that "to be a Roman Citizen was greater than to be a King," being called upon to worship as *the only God* a lowly subject of a captive nation who had just been ignominiously crucified because of that very claim.

From the Roman point of view then it is not surprising, considering the customs of the age, that they used brute force to suppress the new creed. From the Christian point of view it is not surprising, considering their sufferings and martyrdom, that they lived in fear of that force, longed to escape from its terrors and hastened to avail themselves of its promised protection.

Up to the time of Christ every nation, except Judea, had a multiplicity of Gods. Israel alone worshipped one; that was the cornerstone upon which her religious superstructure was built. The first Commandment demanded it, Moses proclaimed it, the Prophets promulgated it, and the Law avenged it. The New Dispensation continued it, Christ declaring, "I came not to destroy the Law and the Prophets, but to fulfill."

The whole known world was at that time under the dominion of Rome. After the crucifixion the Apostles went forth spreading the New Gospel, first to their near neighbors, then to more distant lands. They met with fierce opposition and martyrdom in Rome, but secured cordial acceptance in her tributary provinces, in Alexandria and Damascus; in Antioch and Ephesus and elsewhere throughout Asia and Africa. The intellectual Paul went to intellectual Greece and practical Rome. The aggressive Peter went among the restless dreamers of the East. These three fields of activity among these people of diverse characteristics, mark the three lines of cleavage into which, later on, the Christian Church was to be divided, viz.: the Mohammedan, the Orthodox and the Roman Church.

As the converts multiplied in numbers important questions of faith arose. The Apostles

answered these by issuing Epistles to the several inquiring churches. Jerusalem was the mother church, the center of authority whom all obeyed, the deciding judge in all questions of faith. After the Apostles had passed away and Jerusalem had been destroyed, their successors, the "Early Fathers," held their Councils in other cities and from thence promulgated their interpretations of doctrine.

Gradually the great topic, the Unity or the Trinity of God, became the one absorbing question. Some of the ablest of the Early Fathers believed with Arius in the Unity of God. In general Asia and Africa believed in the Unity, and Europe in the Trinity.

Rome was the seat of all temporal power. She ruled the world ruthlessly and aggressively with the sword. She was not much interested in religion; the multiplicity and variety of the gods which she had accepted and absorbed along with, and as a part of her conquered provinces, neutralized and dissipated her religious zeal, but she was vitally concerned in perpetuating her military sway over her restless captive provinces.

After persecuting the Christians for centuries, the Roman Empire, under Constantine, for political rather than religious reasons, recognized and united with the Christian Church, sustained Athanasius and proclaimed the Trin-

ity. Thereafter, those who believed in it relied upon the military supremacy of Rome to defend their faith as well as to protect their persons.

The Christians of Rome had lived so long under its iron rule, had felt the weight of its burdens as practiced upon themselves, and had been crushed beneath its bloody vengeance, so relentlessly applied, that they fully understood its cruel power over their material interests as well as its blighting effect upon their religion; hence they naturally rejoiced to have these burdens removed from their daily life and this power used in their spiritual behalf.

Living under its influence and surrounded by it, they naturally absorbed much of the Roman spirit and many of the Roman customs, so that when they were released from persecutions and when the opportunity came, they naturally employed her methods and utilized her power, at first to protect themselves and then to convert others.

How terrible had been their struggles to worship their God *against* the will of Rome! How easy it was to worship and how inspiring it was to propagate their religion, when backed by the Legions of Rome! Hence the Church now united with the Empire, having once tasted of rulership and feasted on its fruits, became saturated with the desire for temporal power, and the closer their Union with the State, the

more this power became an inherent part of their life and policy and the more the Church regarded it as vital to their interests.

This hunger after power thus born in them and strengthened by success, has been continuously guarded and perpetuated down to the present time as a priceless heritage, a holy birthright, with alluring memories of human triumphs in a glorified cause. Is it then any wonder that the Church having once obtained, has never voluntarily surrendered this claim? So Rome, the Imperial State, adopted the Trinity; and the Church, the Vicar of Christ, adopted Temporal Power; the Church becoming a State, the State becoming a Church and together they conquered and proselyted as a *Church-Empire*. They were the religious descendants of Athanasius.

During those early centuries when Rome was persecuting the Christians, her subject provinces in Asia and Africa were rapidly advancing in Christianity both in numbers and influence. They, like Judea, believed in the Unity of God. They were not, like the Romans, wholly given over to material things but like all orientals thought and meditated upon life and death and eternity and spiritual problems. They dared not oppose Rome openly either in politics or religion. They silently submitted, believing in their innermost souls, more and more, in the



Unity of God. They secretly hoped their religion would procure for them their political freedom. They hated in their hearts, more and more, their political bondage which they inevitably associated with what was to them, the religious heresy of their oppressors.

A zealous reformer arose crying in the wilderness against the burdens, civil and religious, that oppressed them. His rallying cry was "There is but one God, and Mahomet is his Prophet." Mohammedanism swept over Asia and Africa like a whirlwind bringing to them, before its frenzy had been spent, their political freedom in the name of religion.

The Mohammedan believed in Moses and the Prophets, accepted the Old Testament and the New, considered Christ as the greatest of the Prophets, but he unceasingly proclaimed "there is but one God." They were the religious descendants of Arius.

Thus the first and greatest schism in the Church developed; the people of Asia and Africa became Mohammedans, those of Europe became Orthodox and Roman Christians. It was the end of an historical epoch for the Church.

## CHAPTER II

### THE APOSTOLIC SUCCESSION

OUR immediate inquiry, however, relates to the present religious situation in France and hence concerns the Roman Church alone, but as this is only one of its many previous conflicts of a like character, it may be well for a full understanding of it to study its origin and then to trace the historical sequence of events leading up to the present contest. It is more than a change of dynasty or a form of government. It is the close of a religious epoch because it means the ultimate end of the Union of Church and State in all countries.

The *Separation* of the Church and the State follows as the natural result of the Church's efforts to exercise temporal power, a worldly function not germane to religion, and an unnatural union bound to disintegrate.

To justify the exercise of this worldly power to the conscience of those who were governed by high religious ideals, it was necessary to supply a moral and spiritual background or

purpose; hence the most important part of the claim lies in the *motive* which impelled them to create and promulgate it; which motive was their desire to be recognized as the "only True Apostolic Church," a heavenly endowed institution of divine origin, which they believed should be supreme, or at least be free from all outside control; and their early experience had taught them that in order to be free from control they must be in a position to do the controlling.

When Christ called his disciples, Peter, the most aggressive and the most human of them all, was one of the first chosen. Early in his teachings, while preparing them for his ministry, he asked (Matt., Chap. 16, v. 15-19): "Whom say ye that I am?" Peter answered, "Thou art the Christ, the Son of the Living God." Jesus replied, "Thou art Peter and upon this rock I will build my church . . . and I will give unto thee the Keys of the Kingdom of Heaven. . . ."

In Hebrew the same word is used for and means either Peter or rock. It is upon this sentence the Roman Church bases its right to be considered "The only True Apostolic Church."

This was said by Christ at the very beginning of his mission, and yet during all the following years of his ministry, he made no further mention of Peter's leadership, but treated all

his disciples alike, as of equal authority; and at the end when his mission was finished and he was about to leave them forever, he appeared to them, after his Crucifixion, and instructed them all to remain in Jerusalem until after they had received "power from on high" — not power from Peter, — and then to go forth and spread the gospel to all the world. There was no preference expressed or implied, no designation of a leadership, during that parting hour, which of all times and occasions was the one most likely to have been utilized for such an important designation.

Even if this giving of the Keys of Heaven to Peter were good authority for the premiership of Peter, there is nothing to show that Christ conferred, or intended to confer, the premiership, or the Apostolic Succession, upon the Church at Rome, or upon any other one church; or that he empowered Peter to delegate any such succession. In fact there was no church at Rome at that time.

The Roman Catholic Church claims for itself, solely and exclusively, the Apostolic Succession and claims it from and through Peter.

There is not one direct word in the Bible to sustain this contention, while all the indirect and collateral facts are against it.

Peter never delegated the Supremacy to Rome. Why should he? In his day the

Churches at Ephesus, Antioch and Damascus, with which he was personally identified, were more influential than the one at Rome.

On the contrary, Peter, in conjunction with all the other Apostles, fully recognized Jerusalem as the central or mother church from whence emanated all authority, and after Christ's Ascension, they remained in Jerusalem until they had received their "power from on high." As long as the Apostles were alive, all the Church Councils were held there and all the Epistles were issued in its name.

There is not a word in the New Testament to show that Peter was ever in Rome or even anywhere near Rome.

If Peter was *ever* in Rome, it was a most remarkable omission not to have mentioned it *somewhere*, considering how fully all the doings and journeyings of all the Apostles, including Peter, are described in detail in the New Testament.

If Peter was *never* in Rome, it is still more remarkable that Peter should have been thus selected as the one to be the Sole Vicar and Successor of Christ, invested with power and authority to transfer the same to the Church at Rome and to make it the "Only True and Apostolic Church."

The only explanation is that Peter was never so selected and authorized. Peter's work was

elsewhere, in Asia Minor among the Jews and Semitic Nations.

On the other hand Paul's work was among the Gentiles and especially in Rome. He indirectly discredited the claim of Peter's supremacy when he said, "There is one church of which Christ is the head and we are *all* members." He did not say "of which Christ is the head and Peter is to be his successor and our leader," which he would have done had that been the understanding.

Paul's greatest work as well as his martyrdom, was in Rome, as fully described in his Epistles, yet in them he never mentions Peter as being in Rome or as being the successor of Christ or as being their leader after Christ's death, though he frequently makes reference to the other Apostles. Was the omission intentional, was he jealous of Peter's leadership, or was that leadership non-existent? Clearly we can exonerate Paul of any intentional suppression of facts.

Having in mind Paul's prominence and influence as a leader, of his extreme activity and energy as a worker, as well as of his numerous and specific Epistles, it is impossible to conceive of Peter as the pre-ordained heir to Christ's power, or as the acknowledged founder of the Roman Church, or as the grantor to it of his Apostolic Supremacy, in face of the fact that

Peter was never in Rome and that Christ nor any of his disciples ever referred to it.

It was Paul who wrote the Epistles to the Romans. Peter never sent them any Epistle or any message of any kind, direct or indirect.

If Peter were their founder and guardian, this was a remarkable omission or oversight, considering the watchful and painstaking care the Apostles always exercised over their duties and over their flocks. It was also a neglect of that last injunction Christ gave to his Apostles when he appeared to the eleven, just before his Ascension and enjoined them to "feed my sheep." Did Peter neglect to feed the Roman sheep which had been especially committed to his care? Peter's fidelity on all other occasions exempts him from any charge of neglect.

Still stronger proof is the fact that Peter made no claim to any connection with Rome, on the contrary in his Epistles Peter clearly describes himself as (Peter, Chap. 1, v. 1), "The Apostle to the strangers scattered throughout Pontus, Galatia, Cappadocia, Asia and Bithynia."

If Peter was ordained to bequeath the Apostolic Succession to Rome, it is strange there is no reference to Rome in his Epistles nor any claim therein to leadership, nor any assertion of his supposed Apostolic connection with Rome, considering Rome was the most powerful and important city in the world.

There is, however, an illuminating reference to Paul at the very end of Peter's Epistles, wherein he says, "our beloved brother Paul, *also*, according to the wisdom given unto him, hath written unto you, in which are some things hard to be understood, . . . therefore, beloved, seeing ye know *these things before*" (that is, ye know that they are hard to understand) "beware lest ye also, being led away, fall from your own steadfastness."

There was in this no show of superiority in leadership, nor of the exercise of any prerogative to set aside Paul's message because he could not explain it, but rather an appeal to them to follow Paul's advice as being authoritative and to be obeyed even if they could not understand it.

Peter, himself, never claimed, nor did the other Apostles ever claim for him, or acknowledge to him or to others, this Apostolic premiership or this authority to bequeath the Apostolic Supremacy to Rome, but they all proclaimed Christ as the head of the church and recognized each other as co-equal workers.

It is evident that if Peter had considered himself as the supreme head of the Church and as the sole authorized Vicar of Christ, and that it was incumbent upon him to transmit this Apostolic Supremacy to the Church at Rome, he would in that event have journeyed to Rome



and personally made the transfer with such appropriate ceremonies as would have firmly and indelibly fixed its authenticity and infallibility in the minds of the worshippers and in the records of the church.

Such an act would have been one of the most momentous events in his own life and one of the most important acts in the history of the church. Peter was courageous, watchful and aggressive and would not have failed in the execution of it had it been his duty to have carried it out, and above all he would have made some mention of it in his teachings or writings.

It is also evident that if Peter had been divinely commissioned by Christ to transfer the Apostolic Succession to the Church at Rome, exclusively, some recognition of that authority or some mention of it, would have been made by the other Apostles.

There was none. On the contrary Christ's parting message was given to all alike, when, after his Resurrection and just before his Ascension (Mark, Chap. 16, v. 14, 15), "he appeared to the eleven," and said, "Go ye into all the world and preach the Gospel to every creature."

Had there been any, he would have supplemented his original first words (Matt., Chap. 16, v. 15-19), "Thou art Peter, and upon this rock I will build my church," by adding to his other

final parting words, these words, "And thou Peter, go ye to Rome and *build my church there* as I have commanded from the beginning."

Equally evident is the fact that the Church at Rome never claimed, nor even asked for the Apostolic Succession from Peter, but, instead, Rome in common with all the other churches recognized Jerusalem as the mother church.

There was no such special selection by Peter, nor by anybody else, and the Orthodox Greek Church is just as much "The Apostolic Church" as is the Roman.

It was centuries *after* his death that Rome appropriated Peter *with* his premiership — and largely because of his premiership — and made it the basis of their *prima facie* claim to being "The only True Apostolic Church."

There was Apostolic power and authority conferred by Christ upon all the Apostles alike. It was not transferred to Rome alone to the exclusion of all the others. This is established by the above mentioned incontrovertible facts, viz., that *Christ never commanded it, the Apostles never recognized it, Rome never claimed it and Peter never exercised it.*

These details have been explained and enlarged upon because "Temporal Power" and "Apostolic Supremacy" are so closely interwoven and interdependent that they cannot be wholly separated, and above all because "Apos-

tolic Supremacy" is simply and solely the Church's moral and spiritual justification for claiming "Temporal Power."

Paul's injunction, "There is one church of which Christ is the head and we are all members," was given for another purpose, that of concentrating organization and action. This conception of church unity was a vital necessity in those early days for it secured common protection, harmony of purpose and economy of effort among the disciples. Without it their labors would have been frittered away. Ever since then it has been recognized as essential to success.

After the death of the Apostles and under the "Early Fathers," Christianity spread rapidly in influence over the civilized world until, under Constantine, there came a formal Union of the Church and State, a union of the material with the spiritual. This added a spiritual sanction in support of the State and gave temporal power in support of the Church, which later on was condensed into the dogma, "One Church in one State."

The belief in the necessity of this Union became so deeply implanted in the Christian mind that they could not conceive of a church except as a part of a political state. This doubtless tended to materialize the church and endowed it with a secular organization which

was then, and still is, the most complete and efficient organization in existence. It is a direct heritage from Imperial Rome.

Owing to its rapid growth as a center of power and learning, Constantinople became a second Rome, "even greater than Rome, with a joint Emperor and a joint Head of the Church ruling over both. There were not two separate empires, but there was a dual administration of the "one empire;" advisable, if not necessary, on account of its vast territorial extent, and especially on account of the oriental character of the eastern people who were so different from the western in temperament and spiritual characteristics. There were rivalries and clashes of authority, but no formal separation was ever decreed; nevertheless, they were known and designated as the Eastern Empire and Eastern Church and the Western Empire and Western Church.

The Church of Rome, however, always strove to sustain the life of its partner "The Empire," and always regarded Rome as the seat of authority for the *whole* Empire and gave it spiritual support and in fact made its continued existence possible through the many turbulent centuries that followed.

As the barbaric conquests increased these former Roman provinces were detached from Rome and were divided up among themselves

into independent political kingdoms. This weakened Rome and finally left the controlling power in the East.

These new kingdoms, France, Germany and England, maintained the old theory of a Union of the Church and State; and, as they were powerful enough to protect their political independence and desired also to control their spiritual freedom, they modified so far as they themselves were concerned, the original idea of a "One universal CHURCH-EMPIRE ruling the *whole world*," by substituting for it a CHURCH-NATION, which should maintain its control over its own Church and Nation.

## CHAPTER III

### THE HOLY ROMAN EMPIRE

IN the eighth century the Western Church, gaining in strength, repudiated the Emperor at Constantinople as *their Emperor*, but they retained the conception of One Empire for Church and State, with the Church, however, superior to the State and nominating the Emperor.

With this increase in power, the Pope at Rome advanced the idea of becoming, in his own person, the temporal head of those western kingdoms created by Clovis and Theodoric, and, logically, if he were the head of the western kingdoms, why not the head of the whole Empire; especially as he was the head of the Church which was a part of and co-extensive with the Empire. But the Popes were not strong enough, by themselves, to carry out this program, so they invited Charlemagne, the Frankish King, to aid them and become the secular ruler and as he was the most powerful monarch of his day and demanded it, they were compelled to crown him The Emperor.

He was, moreover, the logical Emperor for

Rome to select, because, in addition to his military power, he was in his own right and person descended from a line of kings who had been friendly to Rome, and Athanasian from the beginning; not Arian like the Lombardy kings, who were the allies of the Eastern Church and were fighting Rome at that time.

It might be noted here that the present line of Italian Kings have come from this same Lombardy. Perhaps the persistency of old feuds and beliefs is shown by the present opposition of the Italian King and Nation to the exercise of temporal power by the Pope.

The Church was profoundly grateful to Charlemagne's grandfather, Charles Martel, who had saved Europe and the Church from Moham-medanism. He had also sustained Rome in the religious controversy which was then fiercely raging over the question of the worship of images in the churches, which Rome favored, while the Eastern Church was opposed to it, believing it violated the First Commandment, viz.: "Thou shall not make unto thee any graven image, etc."

The Church was also grateful to his father, Pippin the Short, who had converted Germany to Christianity, a difficult and memorable achievement in itself, and he was the Church's most active and powerful supporter in those days when the Church needed a defender.

Charlemagne was equally zealous in behalf of the Church, between times, while advancing his own conquests.

The Frankish King now ruled from the Pyrenees to the Harz and from the Baltic to the Mediterranean, an empire, not universal like the Old Roman it is true, but still an empire; so Leo III, finding he needed Charlemagne to protect him from his *own* hostile Roman States as well as from his old enemies, crowned him Emperor on Christmas Day, A.D. 800, repudiated the Emperor at Constantinople and laid the foundation for "The Holy Roman Empire," which was to continue, with varying fortunes, for one thousand years until destroyed by Napoleon.

So the Church at Rome, occidental in thought and methods, assuming to be the heir to the premiership of Peter, tightened its grasp on what remained of its old authority and became the Roman Catholic Church, while the Church at Constantinople and in the East, being more oriental in membership and characteristics, became the Orthodox or Greek Church.

The idea of universal empire and of "One Church in one State," continued, however, uppermost in their aims and purposes in both the East and the West, and has descended down with varying fortunes as an inheritance until in modern times it has developed into and is



represented by the Russian Empire in the East and the French, German and English Empires in the West.

Further but futile efforts to unite the Eastern and Western Churches led to that most remarkable of all human impulses, the Crusades, which were vitalized by the pious and sentimental aspirations of all Christians to recover possession of Jerusalem and the Holy Sepulchre. In this movement France was preëminent and took the leading part and, owing to the brilliant and spectacular heroism of her knights, became the most prominent of all the nations as the Defender of the Faith and as the Exemplar of the Age of Chivalry.

It will thus be seen that temporal power was first adopted by the early Christians as a matter of necessity to protect their persons as well as their religious liberty, was then assumed by the Roman Church in conjunction with Apostolic Succession to extend their power and has been contended for by them ever since as being essential to the preservation of the life of the Church. It has permeated all Catholic nations during all the ages as a vital living principal of faith.

This brings us down to the Union of the Church and State in modern France.

## CHAPTER IV

### THE MODERN ROMAN CHURCH IN FRANCE

THIS Union, originally formed for purposes of mutual protection, gradually drifted into the position where the Church assumed both spiritual and temporal supremacy, which threatened the sovereignty of the State.

No question more profoundly agitates any nation than that of its sovereignty, which is the basis of its very existence, and this present question of the "Separation of the Church and State," stripped of its verbiage and its struggles over property, is one of Sovereignty pure and simple.

It is in addition a very complicated one.

*First*, because each of the parties to the controversy is more or less divided within itself.

*Secondly*, because of the magnitude of the interests involved covering as they do the field of material, political and spiritual affairs.

*Thirdly*, because the changing relations of the people to both the Church and State, have, during the passing centuries, produced different conditions, which in turn have been modified

by customs and historical events, both internal and foreign.

*Fourthly* and especially, because the principals to this dispute are alien in nationality, are powerful in influence, and represent the diverse functions and ambitions of the Church and the State — the Church contending for Temporal Power, the State for National Sovereignty.

In France there are three parties to this dispute, the Church, the State and the People. The People are a varying quantity in numbers in the support they render as between the other two, but include all the French membership of both the Church and the State with the "Anti-Clericals," in full control of the State. On the other hand the French membership of the Church is only a small portion of the whole Roman Catholic Church, which latter is, in fact, an alien body with ample power to decide its problems entirely independent of France and with the "Clericals" in full control of the Church.

To rightly understand this question, we must know the causes which originally produced their "Union" in France, just as we traced it in Rome; the past history of the relations of the parties to the Union and to each other; then the causes which produced their disagreement and finally the causes which brought about their separation.

In general, the Union lasted through many

centuries, down to the Revolution in 1793, the Disagreements from 1793 down to the Law of Separation passed Dec. 10, 1905, the Separation from 1905 down to the present time.

No attempt will be made to follow any strictly chronological order, beyond the sub-divisions above indicated.

Over one thousand years ago, amid the throes of war, France was gradually evolved from a group of small principalities into a great nation, with the Church presiding at its birth and standing sponsor at its christening. Much of the intervening time since then it was the greatest of the great nations, and the history of France is quite largely the history of Catholicism in Western Europe.

Over one thousand years ago, also amid the throes of war, the Church definitely attained its long sought purpose and took its seat upon the throne of temporal power; and much of this time it held sway over the kingdoms of the civilized world.

Founded upon the life and teachings of Jesus Christ, who explicitly repudiated temporal power and who was condemned with the consent of Pontius Pilate upon the charge that he claimed it and was finally crucified in derision as the King of the Jews, the Church, nevertheless, has for a thousand years made this very claim one of the main tenets of its faith, and has held it

to be vitally essential to its existence; has instigated war upon war to establish it over the world; and today maintains it as a living principle of faith and makes it the basis of its contests with both France and Italy.

For one thousand years in mutual support of this claim the Church and the State were united as one in France. Married by common consent, they were partners in the work of government, partners in the propagation of religion.

History tells us how thoroughly France performed her share of the work and how faithful she remained to the cause, even after the changing sentiment of the people in other countries had produced, on this very account, the withdrawal from the Church, of England, Germany, Switzerland, Holland and Scandinavia.

For a portion of this one thousand years the Church was the controlling partner in this alliance, dictating its policy, temporal as well as spiritual; while the State was content to submissively obey, although allowed to strut showily upon the world's gilded stage. During this period the imparting of education was confided wholly to the priests and nuns and acts of benevolence naturally belonged to the Church, so that, from time to time, the State, by gifts of love or by deeds of loyalty, showed its devotion to the Church, by turning over to its prelates

the use of State palaces as residences for its higher ecclesiastics, State seminaries for the education of the young, State hospitals for the helpless sick, State retreats for the aged and infirm, State asylums for the orphans and the numerous illegitimate children.

This property was owned by the State, but was loaned by it to the Church, which thus had the control and enjoyed the usufruct of it, by an arrangement in which the State furnished the buildings and money, and the Church did the actual work of caring for these various benefactions. The Church doubtless did good work for that period, but the system was gradually found to be bungling and wasteful, was a paternalism liable to abuse, and furnished the opportunity for increasing its temporal power which the Church did not fail to utilize, but which the State finally was compelled to oppose as destructive of its own sovereignty.

During this long period, benevolent and pious individuals *also and in addition*, gave or bequeathed lands and buildings and valuable gifts, sometimes to the Church direct and sometimes to the Nation, or to the Department, or to the Commune — that is, the town — in which they lived, for churches, seminaries, hospitals, asylums and other benevolent institutions.

In France the custom was to place the practical administration of *all* such gifts and institu-

tions in the hands of the Church. The Church, therefore, has been in actual physical possession of all such properties, in some cases for centuries, and has had the full and free use of them, although the legal title for a portion was still vested in the State. The result was the Church in its secular affairs was in actual possession of two classes of property, viz.: that owned by the Church itself and that owned by the State. Aided by the influence which the control of such a large property gave them and by their use of temporal power, the Church, during all these centuries, was also a Church Militant. It believed in and contended for two things.

*First.* All Christian countries should be under the control of the Church.

*Second.* All countries should be made Christian.

Education was confined to the clergy and the aristocracy, while the masses were kept in dense ignorance and had no voice in the management of the Government. They did not count, they simply served and obeyed.

There were three powerful organizations which jointly controlled the State, viz.: the Army, the Monarchy and the Church.

The fundamental rule of the Army was obedience. The Commander was supreme, so the General gave the orders, the soldiers implicitly obeyed. The basis of the Monarchy

was obedience. Allegiance was due the King who "could do no wrong," so the King was absolute, his subjects implicitly obeyed. The unquestioned principle of the Church was obedience. The Pope was infallible, so Catholics implicitly obeyed.

In France these three organizations were united in support of a common cause and sustained each other and constituted the State. Thus was the Union established, and all the parties were in harmony with the Union and with each other.

After the old feudal system had passed away, after printing had been discovered and intellectual development commenced among the people, and after Magna Charta led to liberty for England, and the Reformation of Luther and the intellectualism of Calvin severed Germany, Holland, Denmark, Sweden and Switzerland from the Roman Church, the masses in France became imbued in some degree with this opposition to the Church. It found a partial outlet in the movement of the Huguenots, but it was not until the great upheaval of 1793 that it became dangerous to the Church and State.

There was at that time a world wide movement for liberty, for a release from the thralldom of both the Church and the State. It commenced in England and America and culminated in France. In England, under Cromwell, it



created a Parliament of the people which ruled, but left a Sovereign who simply reigned. It did not finally overthrow the Monarchy, neither did it disestablish the Church.

In America the conditions were very different, and, having once separated our body politic from the Monarchy, the act of separating "The Church" from "The State," was a simple matter, especially as a large portion of our population were Puritans who had separated from the church and became such in order to escape from the union of church and state. We were sparsely settled, we were forming a new government and framing new laws. We were seceding Colonies, not a compact nation. We had no sacred traditions behind us. The State had no enemy, no opponent even, within its borders. The people were of many diverse creeds. No church had a preponderating majority. Each church was naturally opposed to having any other church made *The State Church*.

The spirit of the age was an intense desire for freedom — free government, free manhood, free speech, free press — why not free worship?

So our very wise and far seeing ancestors incorporated free worship in our Constitution, and safeguarded it by allowing no church any special privilege, but while providing for equal opportunities for free worship for all religions,

allowed none any participation in the Government.

France was our ally in our struggle for liberty and became imbued with the same intense desire for freedom. The people, staggering under the wrongs of a debased monarchy, witnessing the successful emancipation of religious worship among their neighbors, and inspired by the example of freedom in America, at last broke loose from their bonds and overthrew the hated Monarchy, and embraced democracy with "Liberty, Equality and Fraternity," as their sibboleth. In doing this they also antagonized the Church, which was the ally of the State and had faithfully supported the Monarchy in its distress.

Here then was a change in the relations of the People to the Church and to the State. Liberty for the body and liberty for the conscience was the entering wedge which was ultimately to lead to total separation. The new State forcibly dissolved the partnership of centuries and became the opponent of the Church — principally because the Church was the friend and supporter of the old State. In this great and bloody upheaval, the Church was despoiled of much of its property which was compensated for, later on, by Napoleon in order to legalize his divorce from and his marriage with a Catholic wife and to perpetuate his dynasty. This was

accomplished by the Law of 18 Germinal, Year X (18 April 1802) known as the Concordat.

Though the Roman Church complains that it was despoiled because it was a church, during the Reign of Terror, it ignores the fact that Protestants and Jews suffered equally at that time, that the House of Bourbon, with its followers, were stripped of all their possessions, guillotined or exiled. It ignores the fact that the Roman Church alone among all of these, recouped its losses through the Concordat. It also ignores the fact that it suffered this despoilation largely because it was the active partner of the old State, so that the fury of the masses against the Bourbons was naturally extended to their most intimate and powerful ally, the Church.

The Church, while condemning the confiscation of *its* property in 1793, also ignores the fact that, after the Revocation of the Edict of Nantes, for which it was responsible, and while in the full plenitude of its power, it not only confiscated all the property of the Huguenot Protestants but drove them from France, and never afterwards during the long years of its rule made any restitution of property or rights, nor expressed any regret, nor offered any condemnation of the very thing which it now condemns.

But a new controlling force stepped in when

Napoleon, acting in the name of liberty, rose from one honor to another, until he became First Consul. He organized this wild frenzy of the French people for freedom into a machine for his own personal ambitions and advancement, and thus became the enemy of the Church as well as of the old State. The glamor of military conquest swept over France and Napoleon became the idol of the Army, one of the old allies of the Church, that army commanded, not as formerly by monarchical favorites, but by soldiers who had proved their worth on the field of battle. Then he became Emperor. Thus the Church lost its two secular allies, the Army and the State. The Bourbons could neither forgive him nor bargain with him, for to accept him would be to keep themselves out of rulership, but the Church could and would and did trade, specified the terms in a written agreement called the "Concordat," which was the reparation received by the Church. This Concordat, which they now laud so highly, was then accepted grudgingly, and only because they were compelled to and with the inward determination to supplant it with better terms as soon as they possibly could.

In 1789 the French people were profoundly Catholic and unquestioning believers, but the intervening years between that and the Concordat produced a great change in their mental and

moral characteristics and in their attitude toward both the Church and the State. They yearned for liberty, but it was an anticipation rather than a realization — a vision only of the future. It might have had a different termination, but for the hostile attitude of the Church; the check it received was largely due to them.

The Army, the Monarchy and the Church were always thoroughly organized. The Republic was largely an impulse, and during the later Napoleonic régime it became completely disorganized, so when he lost at Waterloo, the Monarchy again came into power.

The aspirations for freedom, however, still lived in the minds and hearts of France and grew so strong that in 1830 the Monarchy was again expelled and the second Republic proclaimed. It, however, was too feeble to question the Concordat. The Church was silent, but in secret sympathy with the Bourbons and in secret enmity against the Republic.

The pendulum again swung back, the Republic gave way before the powerful combination. France was still too much opposed to anything Bourbon to consent to their restoration, so the glamor of their former military glories was flaunted before their eyes, the body of the Great Napoleon was brought back to France, was buried in the Invalides with imposing ceremonies and they allowed Napoleon III to be-

come President of the Republic. With true Napoleonic instinct he quickly changed it into an Empire, and with equal Napoleonic aspirations he turned to the glories of war to keep him on the throne. His conquest of Algiers and Tunis, his successful campaign against Russia which confirmed Turkey as a European power, and against Austria which helped to make Italy a united nation, kept him on the throne for eighteen years, but he finally fell before German discipline.

The bitterness of the French people against everything Napoleonic had a powerful influence in causing them to undo the work of Napoleon I, "the Concordat," and to change their feelings towards those who upheld it — "The Church."

The Republic was proclaimed for a third time amid the humiliation of defeat by the Germans and the disheartening atrocities of "The Commune."

The trials and perils were many. No new nation ever stepped into the arena with less prospects of success. It was heavily in debt, humbled in pride, stripped of portions of its territory, sapped of its slain manhood, with the hostile Commune within its borders on the one hand, and the intriguing Bourbons and Imperialists on the other, while without was the mailed hand of Germany ready to strike again should occasion arise.

The Aristocracy claimed that honor could be restored only through the Monarchy. They asserted that the people were incapable of self-government, that the Republic had twice before proved itself inadequate to the task of governing. The world in general feared that France could not long withstand these burdens and exist.

Where did the Church stand during those vital days of the Republic's trials and struggles for existence? Did it help the Republic, or did it work against it, or did it remain neutral?

Pope Pius IX, in the Encyclical *Quanta Cura*, condemned the Republic when he declared "The Roman Church cannot accept progress, liberalism and modern civilization." Also in Syllabus, proposition 77, when he anathematized those who denied that "The Catholic religion is to be recognized as the sole religion of the State, to the exclusion of all others."

Gregory XVI, Pius IX, Leo XIII and Pius X, all claimed for the Catholic Church the right to be placed by the State in a privileged position, and condemned religious toleration or, as it was dogmatized, condemned "a free church in a free state." Leo XIII, addressing English pilgrims January 1901, declared it was an outrage on the Catholic Church "that the Italian Government tolerated Protestant Chapels in Rome."

The recent Encyclical against the Law of

Separation issued February 1906, "Vehementer Nos," is the same in spirit as that enunciated by Innocent III in his Bull of August 1215, anathematizing Magna Charta, and the same as that of Boniface VIII, in 1303, in his famous "Constitution Unam Sanctam," "The temporal authority must be subject to the spiritual power," or as the Vatican now expresses it, "The Church must have Temporal Power."

It may be remembered that in their denunciation of "Americanism," as subversive of the Church, they approved of the writings of the Canon of Cambrai who accused Cardinal Gibbons and Archbishop Ireland, than whom there are none better, with dealing in "Freemasonry and Satanic Agencies," and in May 1904, the Pope created the Abbe Maignon a "Monsignore" in compensation for his work "The Sovereignty of the People is Heresy."

I give these quotations without comment and leave the reader to judge whether the Church was friendly or hostile or neutral toward the new Republic.

Doubtless many who loved liberty lost their love for the Church because of these Encyclicals. Doubtless it widened the breach between the Church and the State. Doubtless the Church was responsible for it.

During these years the People of France, schooled in adversity and sobered by defeat,



only strengthened the more their devotion to republican principles and yearned for freedom of body and mind and soul. They regarded this dogma of Temporal Power as subversive of all civil government, of all religious toleration and of all liberty of conscience.

The principles of democracy, however, were too deeply implanted by this time, to be easily torn up; wisdom had come with years of trial, and knowledge with years of experience; the errors of the past were carefully avoided; they set their standards high, they idolized their ideals; nevertheless they did not forget their obligations. Though burdened with an indemnity debt to Germany which all the world thought would crush her, the Republic stood by the Concordat and each year faithfully paid the agreed stipend, which the Church as regularly accepted.

In this crisis the Republic possessed in Thiers and Gambetta two wise and energetic leaders to pilot it through those early and stormy years of its reincarnation. It was during these trying years that France showed her true and noble spirit.

It was Gambetta who clearly looked into the future of the Republic with prophetic eye, and summarized his vision in one short sentence. "Le Cléricalisme, voilà l'ennemi!" (Clericalism, there is the enemy). Not Germany, but

the guest within her gates, the partner of her past, was her future enemy.

For one hundred years the Church has been living under The Concordat, the recipient of its many valuable privileges. Now the partnership is to be dissolved, the Siamese twins are to be cut asunder, all these special privileges and money largesses are to be annulled. The State property is to be taken back, the 40,000,000 francs annually paid to the Vatican is to be cut off, the pensions and allocations are to be discontinued, the asylums, hospitals, seminaries and other properties are to be turned over to their legal owners — the Nation, the Departments or the Communes.

For over one hundred years this bitter contest for supremacy has been going on between the People on the one side and a triumvirate on the other, composed of the Monarchy, the Army and the Church.

It took eighty years to overthrow the Bourbon Monarchy and the Napoleonic Empire. During this period the French people became, each year, more and more imbued with democratic ideas, more liberal in thought, more enlightened in mind, more elevated in aspirations and more opposed to the policy of the Church. On the other hand, the Church rigidly adhered to its old ideas of absolutism and clericalism, as shown by quotations already given, and either scorn-

fully rejected all democratic tendencies or submitted to them for the time being without giving them a sincere support. It is true Leo XIII at one time advised the French Catholics to make peace with the Republic, but either from lack of sincerity on the part of the clergy or from distrust on the part of the Republic, the advice made no progress but rather widened the breach, so after Leo XIII died, the Church drifted back, under the new Pope, to the clericalism of the Middle Ages.

The Church never changes its policy though force may compel it to defer its execution. This suggestion of Leo XIII is the only instance on record where the church has ever offered, or even suggested, to waive its claim to temporal power.

The Roman Church has a great past of both good and evil. Its great evils have come from intermeddling with politics and its great good from conducting with such superb efficiency its charitable and spiritual work.

The French people are by nature Catholics. They love the formal ceremony of the Roman Church. When they disagree with Clericalism they do not drift into Protestantism as might be expected, they simply refrain from religious worship, still remaining Catholics while disagreeing with the methods of Catholicism.

The Catholic faith is not incompatible with

republicanism nor with the Republic of France. Nowhere has it made greater progress in numbers or influence than in America where it is without temporal power. Nowhere has it degenerated more rapidly than in France and Italy where it had temporal power and where its whole strength has been devoted to efforts to perpetuate it. That it has flourished like the "green bay tree" in America all the world knows and acknowledges. That it has retrograded in Italy, the present position of the Holy See in the city of St. Peter, abundantly proves. That it has degenerated in France is proven by its own statement, viz.: "That once it had the whole of France as worshippers, while now the majority of Frenchmen are its persecutors." The judgment of the outside world is that it has brought this condition about by its own actions.

No more striking proof of this loss of prestige can be needed than the fact that when the Third Republic was proclaimed *every* office in France, from the Emperor down to the humblest doorkeeper, was held by a Catholic, while today not a single clerical holds a position.

That the majority is against it, and that the antagonism is constantly increasing, is shown by the fact that each succeeding election gives an increased number of Republican members in the National Assembly, and a decreased

number of Catholics. This result followed in the elections held after the passage of the laws of 1881 and 1901, both of which had an important bearing upon "Separation." A general election was held this year, i.e., after the passage of the Separation Law of December 10, 1905, in which this law was the special issue of the campaign. The result was an increased Republican majority; so any change of Cabinet now would undoubtedly result in a more severe execution of the law rather than in an increase of the conciliatory course pursued by the present Government.

The voting strength of the two parties in the Assembly is about 450 for the Government to 150 for the Catholics, or about three to one, and in the Senate about two to one.

The fact is the "Clericals" call *all* Frenchmen atheists who are not on their side. This is hardly fair. Setting aside the Jews and Protestants who constitute about one-tenth of all the population, a very large proportion of the remainder are Catholics who are alienated from the Church because they are *Patriots* rather than *Clericals*. They do not actively attend worship.

A small portion are "Liberal Catholics," or "Young Catholics." They are educated and thinking men, liberal and progressive in ideas, who foresee the new destinies towards which France is moving as the enemy of injustice and

as the defender of the liberties of the people. They also disagree with the policy of the church, i.e., with "Clericalism," but remain active in Church matters. This body is one of the most important in France, is a growing power and will some day exercise its proper influence. To it, the church will owe its regeneration — but that is another and very large question.

There is also, as in all countries, a body of educated men, who make the best of citizens and are religious in their hearts, but are not registered members of any church.

There is a small body of atheists who are hostile to all religion, and active and abusive in expressing it. They delight in stirring up the Catholics, who apparently delight in being stirred up, and who make the political mistake of noticing them and of classing all opponents with them. These atheists now give the Government more trouble than the Clericals, but on this one question they vote with the Government.

The balance of the people, a minority of all, are "Clericals," and the Church itself, at Rome, as a whole, is controlled by the "Clericals." Such is the relative position now of the People to each other and to the Church and State.

A tax on every citizen and on all property has always, in the past, been levied by the Government for the support of the Roman Catholic Church and for that Church alone. Those who

were not Catholics objected to this, so the law was changed releasing from this tax those persons who did not register themselves as Catholics and retaining it upon those who were willing to do so. The result was that a little over one-tenth of the men and a little under three-tenths of the women so registered, say one-fifth of the population. This, of course, is not a fair statement of the numerical strength of the Catholics, for a large portion of their membership is made up of the poorer class who are not financially able to pay any tax, while there are among them, as there always is in every community, many of those who will not pay any tax if they can legally avoid it, still it represents in a large degree the number of those who took sufficient interest in their religion to be ready to stand up and be counted and help pay for its support. These, with the Aristocracy, are the ones who are now making all the disturbances, the rest of France is quiet and apparently apathetic.

Formerly the children in France were entirely educated by the priests and nuns in their parochial schools, where they were carefully taught that their first allegiance was to their Church. Some years ago the Government established Communal, or public, schools, where the education is secular and where allegiance to France is taught, hence the man of today has

an entirely different view of his duty to his country from what he had yesterday under the old parochial system and enters upon his citizenship either as a Republican or a Liberal Catholic, rather than as a Clerical; a patriot rather than a subject of an alien power.

This change in the system of education has been one of the most important factors in changing the relations of the People to the Church and to the State.

Having effectually overthrown the "Monarchy," one of the old Triumvirate, the Republic next took issue with the Army, another member.

Dreyfus was ostensibly and apparently the bone of contention, but the unanimity and energy with which the Church entered into this contest in support of its former ally, the Army, showed that other and greater interests were at stake.

The Dreyfus case was not simply a prejudice against a Jew, nor was it solely a trial for treason. Fundamentally it was a struggle for supremacy between the Civil and the Military powers, a recrudescence of the old contest which the Church hoped to profit by.

Dreyfus was first tried, convicted and punished by a Court Martial. The Army contended that such a trial was final and beyond any review by the Civil Courts. The Government contended that it came within the jurisdiction of the Civil Law.



The prejudice against Dreyfus because of his Hebrew extraction was no doubt utilized to the utmost to stem the rising tide of sentiment in favor of the supremacy of Civil Law. The Church is not wholly free from Jewish prejudices which might have been an additional incentive for giving assistance to the Army.

There was an undefined suspicion that the Army was willing to sustain any attempt to overthrow the Republic and to establish a dictatorship in the person of General Boulanger, who was ambitious, was then at the height of his popularity and was regarded by the populace as the coming "Man on Horseback" — France has been so accustomed to seeing them come.

It was planned to have a "Manifestation" in his favor during a parade of the Army down the Champs Elysées. If the enthusiasm justified, this was considered to be the psychological moment, when he had the Army at his back under arms, to execute his "coup" and become Dictator.

It failed, they say, because he lacked the nerve at the decisive moment. He went to Belgium.

These stirring and critical events, otherwise fruitless, enabled the military party, however, to prevent for several years, any review of the Dreyfus case.

Even the famous retrial of five years ago

which Labori conducted so ably in Court and Zola defended so zealously out of Court, was a military trial solely, but it aroused the conscience of France. The friends of Civil Law never gave up the fight. They finally succeeded last year in bringing the case before the "Cours des Cassation" — the Supreme Court of France — which decided in favor of Dreyfus and thus established a new landmark in the progress of France by making the Civil Law superior to the Military. This has since been confirmed and strengthened by a Statute to that effect.

It is hard for Americans, where Civil Law has always been supreme, to fully comprehend the significance of this bitter contest, but it was not "Dreyfus" that was at issue. It was the passing away of militarism and the establishment of the supremacy of Civil Law, the uplifting of France into a higher plane, with regenerated hopes and aspirations. It was also the forerunner of the passing away of Clericalism.

## CHAPTER V

### THE SEPARATION

HAVING succeeded against these two, the Monarchy and the Army, the Republic finally joined issue with "The Church," the third and last member of The Triumvirate, the most powerful and resourceful of them all.

It is on the eve of success. It will surely triumph. The Law of Separation will undoubtedly be sustained and when it is, then the Republic can turn its serious attention to carrying out its elaborate program, already announced, for social and economic reforms, questions similar to those now pressing for solution before the German, English and American people.

*The French People are now the sole Arbiters of this Question.* That is an important point overlooked by the Church. France is a Republic. The people decide, not the Emperor, — not the Army, — not the Church, — but the People. If they decree Separation, that ends the contest.

The very attitude of the French people, themselves, on this question, is conclusive proof

that separation will come, and when finally established they will no more think of going back to a union of Church and State than we would in America, or than the English would think of repudiating "Magna Charta."

That separation will succeed is shown by the apparent indifference of the French Secular Press.

Every Catholic paper thunders forth, daily, either calling Catholics to armed resistance or accusing them of cowardice, but the general press takes scant notice of all this uproar. This is what one Catholic paper, "Autorité," says:

"When a Government attacks their property and seriously injures their interests, not only is it the absolute and formal duty of those citizens *not* to obey, and to refuse to submit to it, but also to resist actively *by armed force*. This opinion will be opposed no doubt by Liberals, but it is, nevertheless, the opinion of every Catholic."

Another paper speaking of the debate in the Assembly, says: "Only one anti-Ministerial dared face the Government. His colleagues abandoned him to the insults of the Left. Catholics expect a different attitude from their representatives."

From "Soleil" (clerical):

"Civil discord and religious war will fall on those who have denounced the Concordat, and

thus organized the struggle against religion and for the spoliation of property. In doing this they pave the way for barbarity and despotism without honor, without country, without God."

The Church issues a special appeal to the outside world in the shape of the Pope's Encyclical, already quoted.

It is all to no purpose. The French people are calm and indifferent; the daily life on the street, in the mart and at home moves on as placidly as ever, and the stranger within her gates would never know from any outward manifestation, of the deep inward determination of the body politic, down in the bottom of their hearts, to carry out this momentous change. And all this is in excitable, impulsive France, where the least difference in opinion results in vehement "demonstrations." Why this apathy and especially on that one subject of all others, religion, the most likely to engender strife? It is simply because all Frenchmen consider Separation as already effected, as completely finished, that nothing now remains but the details of executing the law. This they leave to the Government in full confidence it will be faithfully done.

There can be no question but the people are back of the Government. The "Clericals" attempt to draw a distinction between the French Government and the French People.

No greater mistake could be made. The Government is the People.

The Law of Separation is only the Government's interpretation of the will of the people. They cannot be led away from Republican principles. Not one out of a thousand could be induced to give up self-government. It is the Vatican, not the people, that is fighting the Government.

The extremists on both sides who advocate force mistake the purpose of the law abiding, industrious and frugal French people. Although they are devoted to the Republic, they are also religious in feelings and Catholics by nature. These 38,000,000 Frenchmen are no more likely to help the "Clericals" destroy the Republic than they are likely to help the Atheists demolish religion.

There is a very small minority that is anti-religious, and a still smaller minority that is anti-republican.

Between modern freedom in thought and act as typified by the Republic, and ancient restriction and subserviency as practiced by Clericalism, there is such an inherent difference that they cannot be reconciled, they must oppose each other to the end.

The Clerical idea of citizenship is incompatible with liberty and democracy. Democracy must be free to live its own life and make its own laws.

Clericalism demands ecclesiastical authority over political matters. Submissive himself to the dictum of the Church, the "Clerical" regards any other course as impossible, if not heretical, and cannot understand independence in any one else.

The Catholic clergy were invited, then urged, to meet the Legislative Committee of the Assembly to help formulate the Law, to suggest any desired changes and to coöperate in making it equitable and acceptable. They refused. They would not argue, they would not deny, they would only condemn.

The Jews and Protestants are small in number and their religious influence is negligible. Under the old law the Roman Church enjoyed special privileges. The Jews and Protestants had none, but on the contrary were hampered by restrictions. Under the present Law they are all placed upon an equal footing. Perhaps this is the reason why the Jews and Protestants so cordially accept it and why the Vatican so bitterly condemns it. Theoretically, the rupture is with *all* the churches. Practically, it is with the Roman Church only.

The Law of Separation is really a liberating measure for it removes all previous restrictions on religious liberty. It is not the result of a recent or of a temporary quarrel with the Vatican, but is an inherent and irreconcilable

difference in fundamental principles of long standing. If France should now surrender to the claims of the Vatican, surrounded as she is by rival and unfriendly nations, she would soon cease to exist. France insists that the right to govern itself is inherent and self-evident, so she is now completing the work, begun under Napoleon, by throwing off *all* allegiance. Following the example of England, Germany, Sweden, Denmark, Holland and Italy, France — the eldest and best loved daughter of the Church — is now emancipating herself, leaving only Austria and Spain under the Roman rule.

The Church has made many charges against the Law of Separation. Two only of them are very serious or fundamental, viz.:

*First.* That the State is depriving them of religious freedom.

*Second.* That the State is confiscating their property.

These charges, if true, would arouse the conscience of the civilized world to protest against the action of the French Government and in favor of the Church. Are they true? An examination of the Law will best answer that question.

It is not quoted in full, but those Articles to which the above charges refer are translated entire, while a synopsis only is given of the others.



A careful study of the Law itself shows it has three purposes in view.

*First.* To guarantee free religious worship, not to destroy it.

*Second.* To protect religious property, not to confiscate it.

*Third.* To give all religions an equal opportunity, not to give the Roman Church a preference as formerly.

The word "establishment" in the Law refers to the old church organization as it existed before the Law, and the word "Association" refers to the new organization as it will exist after the Law has been complied with.

The Law speaks for itself, mere denunciation will not controvert what it says. The only question left is whether it is being executed fairly and in harmony with its spirit. The Law shows positively that between 1793 and 1905 the laws of the State have been greatly changed. This is because the attitude of the people toward the State as well as towards the Church has changed. The laws of the Church during this period show the Church itself has made no change.

The liberal element thought they had made some progress during the Pontificate of Leo XIII, but he never surrendered the claim to temporal power, only doubted the wisdom of violently insisting upon its exercise at that time. It was thought the Sacred College might aban-

don it when a new Pope was chosen, but the "Clericals" controlled and selected their candidate and therein lies one reason for the present contest with France.

The Vatican maintains foreign relations with all nations, is deeply engaged in the game of politics and no country has more skilful diplomats, therefore, a recital of a few additional events of recent date may help to a full comprehension of the position of the Church.

*First.* It was France that made Italian nationality a possibility.

*Second.* It was Italy as a nation that took away the temporal power of the Church. Is there any connection between these two facts and the present attitude of the Vatican?

*Third.* The present Pope, Pius X, was *not* the choice of the French clergy, but was especially acceptable to the German.

*Fourth.* When Leo XIII died, neither Cardinal Rampolla his able Secretary of State, nor Cardinal Merry del Val, the present Secretary, could be elected, though both desired it and both were prominent candidates.

*Fifth.* Merry del Val made the combination in the Sacred College which elected Cardinal Sarto, knowing Sarto would be Pope in name only, while he, Merry del Val, as Secretary of State, would be the real Pope.

*Sixth.* Merry del Val is a Spaniard. Bril-

liant, with an active mind, a good linguist, and an accomplished diplomat, and modern in material things such as the telephone and typewriter, he has nevertheless the old Spanish medieval way of doing spiritual things. If the heretic would *not* believe, then the Inquisition was just the thing to *make* him believe.

*Seventh.* With Merry del Val as the controlling spirit, "Clericalism" is the logical policy of the Vatican.

*Eighth.* What has been done by France is being contemplated by Spain, so Merry del Val is trying to prevent Separation in Spain by defeating it in France and is arousing the Catholic world to rally to his assistance. This latter is being done by making three charges against the French Law, which if true would be serious, and, being contrary to the spirit of modern thought, would arouse in behalf of the Church the sympathy and command the support of non-catholic as well as of Catholic countries and especially of America where religious freedom is zealously guarded.

Here is a portion of what the kind-hearted, much beloved Cardinal Gibbons says to the American people, asking them to give the Church their sympathy:

"I think I know my countrymen. They love fair play. The late years have shown how cordially they hate injustice, tyranny, and

inhumanity. And yet France has treated her noblest citizens with injustice and inhumanity, and America, which has sympathy for all the oppressed of all nations, has raised no protest, nor uttered a word of sympathy."

"The majority of the anticlericals have far less love of the Republic than they have hatred of religion. I am weighing my words and I say with deliberate conviction that the leaders of the present French Government are actuated by nothing less than hatred of religion."

These are appealing words from one than whom none stands higher in the Catholic Church, save the Pope himself. Are they true? Every American will say that if true the Church should have, and will have, the sympathy of the American people. But are they true? What then are these three charges? And what is the answer?

*First.* That France is depriving the Church of religious freedom.

*Second.* That France is Atheistic.

*Third.* That France is robbing the Church of its property.

In order to judge impartially, we must see what the law itself says, as well as listen to the testimony of the opposing sides. Singularly enough articles one, two and three of the law answer these charges in one, two and three order. The best answer to the first charge, namely,

that France is depriving the Church of religious freedom, is to be found in the opening sentence of the law in Chapter I — entitled *Principles* — Article I, which reads:

“The Republic assures liberty of conscience and guarantees the free exercise of religions.”

This is hardly depriving the Church of religious freedom. Mark the word “free” and mark also the plural “religions.” Hitherto there was only one religion guaranteed, the Roman Catholic, which in addition enjoyed special privileges. Hitherto there were restrictions upon all other religions and they enjoyed no special privileges. Now the freedom of all religions is guaranteed and there are no special privileges for any of them.

What the Vatican really means and should say is, “That France is depriving the Church of its former religious privileges.” It is hard to understand why the Church is opposing this law upon the ground that it deprives them of religious liberty, for it seems clear that the declaratory preamble of Principles in the law itself, disproves the Church’s first charge.

In other words apparently the Roman Catholic Church is not content with equality under the law, does not stand for “a square deal,” is not willing to rest its claims on its own merits and win its way into the hearts and intelligence of the people by its own good deeds, but wants

special privileges allowed or force even employed in its behalf.

It seems equally clear that the French Assembly desires to make a law that guarantees liberty of conscience to all persons and bestows equal rights upon *all* creeds. That it has succeeded is shown by the well-known fact that the Jews and Protestants have enthusiastically welcomed it and have complied with its requirements. The revolt of the Catholics conclusively proves that the Roman Church cannot remain content to receive the same treatment that is granted to the other religious bodies and that she is unwilling to accommodate herself to a régime of freedom of worship and that she does not believe, as the Vatican officially expresses it, in "A free Church in a free State."

Articles 2, 9, 11, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 35, 39 and 41, also specifically refute this charge because they all clearly bear internal evidence of being made entirely in the interest of free worship and for the protection of the rights and property pertaining thereto.

Article 2 reads:

"The Republic neither recognizes, nor salaries, nor subsidizes *any* religion. All appropriations for religion will be omitted from the Budget except appropriations for charity and for the Chaplains who give free religious ministrations

in public lycées, colleges, schools, hospitals, asylums and prisons to such of the inmates as desire them."

It will be seen this article refuses to legally recognize or subsidize the Roman Church as formerly and also refuses to recognize or subsidize any and all religions, but it does allow appropriations of money for charitable institutions and allows their inmates to have the ministrations of their own clergy if they want them.

ARTICLE 9. Provides for keeping the property of any church within the control and under the management of the same religious denomination that has always hitherto used it.

ARTICLE 11. Continues grants of pensions to clergymen.

(*Note.* While theoretically applicable to all denominations it practically applies to Roman Catholic priests only because they were the only ones who formerly received them.)

ARTICLES 13 AND 14. Gives the gratuitous use of State Churches and the residences of prelates to the Catholic parishes.

ARTICLE 19. Gives the details for forming the new Associations.

ARTICLE 20. Allows all the parishes or "Associations" of any one religion to unite and form one central organization or "Union."

ARTICLES 21 AND 22. Provides for the disso-

lution of an "Association" or "Union" if it violates the Laws or misappropriates funds.

(*Note.* This is the only case where an "Association" or "Union" can be dissolved by the State, or by any other power except the religious denomination itself.)

ARTICLE 24. Exempts churches from taxation.

ARTICLE 25. Church worship must be public not secret.

ARTICLES 26, 27, 28, 29. Prohibits holding political meetings in Churches, or the use of religious emblems in public places and regulates out of door meetings and processions.

ARTICLE 30. Religious teaching of children attending public schools can be given only outside of school hours.

ARTICLES 31 AND 32. Prevents coercion and disturbances.

ARTICLES 34 AND 35. Prevents any minister by sermon or circular from teaching or advising sedition, revolt or civil war.

ARTICLES 36, 37, 38. Associations and Religious Orders are subject to law and the Penal Code.

ARTICLE 39. Exempts religious students from military duty.

ARTICLE 41. Provides that the money hitherto paid to the Vatican in bulk under the Concordat, and which was largely disbursed by the



Vatican outside of France, shall in future be paid to the several individual parishes or Communes.

All these articles seem clearly to indicate that the makers of the Law intended to protect religious liberty, not to destroy it; that they respected religion, not hated it.

The second charge is that France is Atheistic.

While there are many Atheists in France, perhaps more than in any other country, and while they are more active and outspoken there than elsewhere, they are nevertheless a very small minority and were far from being a controlling factor in the making of the Law. They voted for it, not because of their opposition to all religion, but because, as between different religions, it was fair and just and placed them all on the same basis.

If the majority of the people of France are Atheistic as the Vatican charges, the question might very properly be asked at this point "Who made France Atheistic?"

For one thousand years the Roman Catholic Church has been supreme in all matters of religion and very influential in all matters of State. It drove out and suppressed all other creeds. It controlled almost exclusively all hospitals and charitable institutions. It was encouraged and assisted by the State in propagating its religion, but above all other in-

fluences, the education of all the children during all these centuries has been exclusively placed in its hands. Having had full control of the mental, moral and spiritual education of all French children, if they have grown up to become Atheists, who taught them to become such? Clearly no one but the Roman Church itself.

Man learns by example as well as by precept. What the "Clericals" call a "good Catholic" is one who does not think for himself. Rome does his thinking for him. A vast majority of them have never read the Law of Separation, but they accept, without questioning its accuracy, the Church's assertion that it robs them of their religious liberty and their property.

The man who does read and think for himself is confronted by the problem of choosing between his Church, which he knows to be wrong, and — what? There is no middle ground in France. There is no other religion which appeals to him for the natural tendency of the Latin race is toward the imposing pomp and ritual of the Catholic Church, therefore, if he ceases to be a Catholic he fails to belong to any church, however religiously inclined.

The Clericals call every one an Atheist who is not a Catholic and say France is Anti-Christian. In reality the French people are only Anti-Clerical and their delicate sense of pro-

priety is outraged when they see a vested priest step down into the political arena to become a politician, working for the overthrow of the Republic and for the advancement of a Count de Chambord or of a General Boulanger to a dictatorship.

Thus it happened that as the national mind became more enlightened and its spirit more liberal and other governments more democratic, the thinking man realized, more and more, the inconsistencies of the Vatican with its reactionary tendencies towards political rule, and, therefore, separated himself from the political activities of the Church, with the result that today nearly all the intelligence of France is against — not the Church — but the “Clericalism” of the Church; while the ignorant and unthinking still follow the Papal See, the only exception being that the adherents of the House of Bourbon and the followers of the Imperialism of Napoleon still rally to the aid of the Church, as therein lies their only hope of overthrowing the Republic.

The third charge is that “The State is robbing them of their property.” While no vital question of principle is involved in this charge, it is very important as affecting their prosperity.

The articles already quoted would seem to fully answer this charge, so far as the law is concerned, for they read as though intended to

conserve the property and not to confiscate it, and seem to provide every safeguard to protect it from neglect or treachery within, or aggression from without.

Article 3 provides that a Government Commissioner and the legal representative of the Church shall jointly make an inventory of all the property owned, used or controlled by the Church.

*First.* Of all real and personal property owned by the Church.

*Second.* Of all real and personal property owned by the Nation or Department or Commune.

There was no provision for such an inventory in the original text as prepared by the Briand Committee, but the Catholic members of the Chamber of Deputies urged it as being necessary to protect their interests, as well as being essential when the time should come to correctly make the legal transfer of the property from the old "establishment," to the new "Association," so it was added.

Curiously enough it was the Church itself which afterwards violently opposed the actual taking of these inventories upon the ground that to do so and make a list, would be sacrilegious. It was during this time that some of the priests carried away and sold without protest some of the more valuable church articles and

relics, to art collectors in Paris and London, so as to dispose of them before they could be inventoried by the Government. As a matter of fact most of the acts of violence against the law have been those connected with the taking of these inventories.

In some cases the acts were led by the priests and bishops themselves, while all, including Cardinal Richard of Paris and the Pope, gave their consent by their silence.

The main object for taking the inventory is to separate the secular Church property from that used for purposes of worship, so as to tax the former and to secure the perpetual ownership of the latter to the Church.

This last is accomplished in Articles 4 and 19, by creating a trust or corporation called "*Association cultuelle*," to which is assigned in trust all of the property owned by the Church called "*Attribution des biens*."

This "*Association*" then is a corporation formed not under the general law of corporations, but under a special religious law, just as we charter railroads under a special railroad law. The whole body of religious worshippers in a parish select from among their own membership, a specified number of men who must be residents of the commune, who become legally incorporated into an "*Association*" for the purpose of taking over and holding in trust the property of

the Church and of managing it for purposes of worship exclusively.

A similar plan was adopted long ago in Switzerland and later in Prussia, and was immediately and gladly accepted for those countries by the Vatican, without any protest either then or since. An analogous plan has been voluntarily adopted by many parishes in America, as the best way of handling secular property owned by a church.

Neither in Switzerland, Germany, England or America does the Roman Church claim, as it does in France, to be superior to the law of the land, or demand exemption from taxation of secular property.

There is often some underlying national characteristic which has an influence in shaping its laws, but which is not superficially apparent. In France it is frugality.

The national debt of France is the largest of all the nations, and bears heavily upon all the people. On the other hand, the French are the most frugal and saving of all peoples, hence they do not like to see any of their hard earned money sent out of France, or controlled by an alien power. Herein lies one powerful motive for the law.

The practical effect of this law, as regards the church money received under the Concordat, is, not to take it out of the hands of Catholics,

but out of the control of the prelates of the Vatican, that central power which has hitherto managed it independently of the French, and to place it under the control of French Catholics of the several communes, a majority of whom would be laymen rather than priests. This is local self-government, home rule and not centralized power. The income is to be received and disbursed by and for the local parishes and not sent to Rome in bulk to be disbursed by and for the Vatican. Thus while the people receive the direct benefit of these moneys and are, therefore, in favor of the law, the Vatican will lose the immediate control of the French revenues which are said to be the largest received from any one source, and herein lies one main cause of their opposition to the law.

It has been suggested the French Clergy themselves were in favor of the law because of the pensions provided for them in Article 11, and because the large appropriations under Article 41 will now come, pro rata, to the several parishes direct, instead of going to Rome. Who knows? What is known is that nine-tenths of the clergy *were* in favor of the law before the Papal prohibition.

The question, however, was not left to them to decide. There was an interval of some months between the date of the passage of the Law and the Papal Encyclical, during which the

Vatican gave no outward intimation of its intentions, and the French Clergy, being in favor of it, naturally proceeded to comply with its requirements. During this time some 39,000 parishes out of a total of 40,000 formed the "Association" required by the Law. Less than 1000 remained outside and most of these would probably have complied before the year expired, as they were being formed rapidly.

The law seems to provide safeguards against all possible contingencies and human frailties. Thus, for any wrong act, the Trustee or Vestryman is punished. If he is derelict, incompetent, or changes his religious faith, the law provides for his removal, and the parish itself selects his successor. Suppose, for example, that all the members of an "Association" should cease to be Catholics and become Episcopalians, they could not continue to hold the property, for the law in that event transfers it to another Catholic Association, and in case there are not the seven Catholics left in that commune necessary to form a new Association, then it transfers it to the commune itself.

What the State did was first to take possession of its own, the State property; and then second, not to take the Church property for its own use, but to take the *management* of this Church property out of the hands of an alien power, and place it in the hands of a friendly



local French corporation. This can hardly be called stealing the church property as charged by the Church.

Taking all these things into consideration it would seem that these three charges fall to the ground so far as the Law, as written, is concerned. This carries us over to the period since the passage of the Law on December 10, 1905, and to the question whether the Law is being fairly executed in letter and in spirit.

The execution of any law which involves such large and diverse interests, and which changes the customs of centuries, must necessarily produce friction, but aside from that the manner of executing it by the Cabinet appears to have been conciliatory as shown, *First*, by their willingness to extend for another year the time within which the inventories must be taken.

*Secondly*, to allow the parishes to form their Associations under the general law for creating corporations, if they so desire.

*Thirdly*, to permit those parishes which have not complied to continue to hold their services under the old general law governing public meetings, that is, by giving a written notice of such religious meetings. In that case the Government was willing to accept one such notice as sufficient for and covering all the services held during the year, instead of requiring a separate notice for each separate meeting as is the case for all secular meetings.

It will be readily seen the Government has not been oppressive or even strict in the execution of the letter of the law, and that all its departures from the specific requirements of the law have been concessions in favor of the Church, so much so that the opponents of the Church are calling on the Government to execute the law without favor.

Some of the Catholics charge that the Government is afraid, while others accuse it of brutality. The Government, apparently confident of its strength and the justice of its conduct, takes no notice of either the threats or abuse, but continues to pursue its lenient policy and manifests a disposition to allow the Church to gradually readjust itself to the new conditions.

All these plans, however, were officially rejected by the Vatican and singularly enough one of the main reasons given for its opposition is Article 8, which provides that if two "Associations" are formed and both desire the same property, then the Council of State, which is a semi-judicial body, shall decide between them.

It will be seen that a valuable property might be claimed, with the connivance of the applicants, by two "Associations" one of which would be a dummy, and if the Church had the power to decide which should control the property, it could decide in favor of the dummy association

which could afterwards turn it over to the Vatican, which process repeated indefinitely, would give the Vatican the control of all the valuable Church property.

To prevent this, Article 8 provides that the Council of State shall decide which Association shall control the property, the Government holding that all judicial questions affecting the title or ownership of property are a function of the State and not of the Church. The Church contends that the Bishops should decide, that it is a function of the Church rather than of the State, and thus the question of sovereignty and temporal power again obtrudes.

Much of the property owned by the Church has no connection with religion, but is wholly secular and some of it is income producing, which if owned by an individual would be subject to taxation. Hitherto it has never been and the Church contends such secular property must not now be taxed because of its church ownership. The Church is also a large owner of stocks and bonds and carries on many profitable business enterprises, like the manufacture of Benedictine and other cordials, upon all of which it claims exemption from taxation upon the ground it is church property.

Taxation in France is very heavy and such an exemption is of itself a profit, besides it is an injustice to others engaged in the same line of

business who are taxed. The extra profits represented by these remitted taxes might be and hitherto have been applied to purchasing new enterprises or enlarging old ones. If allowed to go on indefinitely, this might in time become a huge monopoly in the control of the Church.

On the 15th of January they found bonds to the value of five million francs (\$1,000,000) in the seminary at Versailles. Last summer during the taking of the inventories they found eighty million francs (\$16,000,000) in silver and copper coins in the vaults of one Paris Church alone, and the coffers of all the others contained various amounts carefully stowed away. Church offerings are mostly in small coins and being unwieldly are usually put into circulation again at once by exchanging them at the banks for notes of large denomination. French economists charged that it was deliberately planned to withdraw this small coin given in Church offerings from circulation, for the purpose of creating, and that it did create, an extremely annoying scarcity of ready money so necessary to the daily transaction of retail trade in France, where bank checks are not used in paying debts as with us, but where "cash down" is the universal rule in trade and the stocking is the main bank of deposit. This former exemption from taxation on its secular property was another one

of the many special privileges enjoyed by the church, which naturally it hated to lose, but it can hardly be called "stealing church property" or even classed as unjust.

When the Pope issued Encyclicals prohibiting the clergy from taking an inventory or forming an "Association," the Bishop of Bordeaux conceived the idea of forming a corporation under the general law of 1891 for forming corporations. He did so and assigned the Church property to it. He thus complied with the spirit of the law and with its requirements and at the same time did not disobey the Pope's Encyclical which applied to the Separation Law specifically. His charter called for almost everything besides religious worship, but it *did* take over the church property as required. The Minister of Public Worship said it complied with the requirements of the Law and was satisfactory to the Government; that is, it was evident the Government was willing to meet the Church half-way in an adjustment of the difficulties.

It looked for a time as though the good Bishop had reached a peaceful "modus vivendi" and that the remaining parishes by chartering under the general law, could satisfy the Government without disobeying the Papal authorities; but the Vatican said "No." This suspended the action of the tardy ones and nullified all the previous work of those who had obeyed.

The opinions of the different groups may be seen from a few quotations from the daily press.

"Le-Lanterne," anticlerical, says:

"We are moving very gently, but very surely, towards a complete separation of Church and State, and as we must be just, we must thank the inimitable Sarto (the Pope) for the precious aid he has given us. No one has struck such violent blows at the Church as he."

Even if this were true, it would be conveying a false impression of the present Pope, who was noted among all the Cardinals as the one least imbued with reactionary traditions, and the one most governed by gentleness of nature and singleness of purpose and simplicity of mind. The one of all others who would be led by the more designing.

It is said that when he was promoted to a Bishopric at Venice, he wanted to remain as the village priest and minister to the simple wants of his flock, and live with his plain peasant sisters and read the village paper, whose editor was his chum, whose editorials he believed to be right and whose recommendations he implicitly followed. When made Cardinal he wanted to decline it. He still went among the poor and lowly and still read his village paper and followed its advice. When made Pope, as all the world knows, he wept and wanted to decline its honors, but he still read the old village

paper and followed its suggestions without a question, and nothing could change him. As the editor was a plain, liberal thinking man whose editorials were not in harmony with the clericalism of the Papal Secretary, Merry del Val, that prelate, who is the controlling mind of the Vatican, quietly bought out the paper and put in an editor of his own way of thinking. No sudden change was made in its policy, but gradually, step by step, the editorials were changed until the whole policy was reversed and the good Pope read on and on, and accepted the new theories without a suspicion of their authorship. Like a king who is kept by his courtiers from all knowledge of the public opinion of his subjects, so the Pope is kept by his entourage from the knowledge of what is actually going on around him, or of real public opinion, and there is small doubt but he believes that his Encyclical will rally Frenchmen to his support and prevent a separation of Church and State.

“Humanité” says:

“How can the Catholics act otherwise than disobey the law in view of the Pope’s attitude. Roman absolutism has killed all Catholic action in France.”

“Autorité” says:

“If the German army crossed our frontier, what would be our duty. It would be to

exercise our natural right to declare war regardless of Pope or any alien power."

"It is this right which the Republic is on the eve of giving to its Catholic Citizens."

"Petite République" says:

"It is not the Separation Law which is at stake, but all law. If the Pope can nullify the Separation Law, he can nullify all law. But the power no longer exists to do now, what was formerly done when a Pope, in conflict with a King of France, released the King's subjects from their oath of allegiance to their country. These threats today no longer frighten anyone, but in defying the law on the order of a foreign sovereign, his priests expose themselves to be considered as in the service of the Pope and thus cease to be Frenchmen."

"Radical" says:

"We owe liberty to the Church as to every citizen. Since the Church will not accept special and privileged treatment, there only remains to apply to it the common law of the land."

"Obedience to the law of the land shall be demanded from the servants of the Pope, made without passion, and in that spirit of equity which is the duty of a republican government, more than of any other."

"Rappell" says:

"The overthrow of the Clemenceau Cabinet



would avail the Catholics nothing. A new Cabinet would not be as kind and gentle with them. The law of 1905 was passed by a great majority, since then a general election has been held which explicitly approved the law, by electing a still greater majority in favor of it, so any new Cabinet would be more radical than this."

"Siècle" says:

"Bishops must learn that they were Frenchmen before becoming Priests, they have continued Frenchmen, and before obeying the orders of the Pope, they must bow to the authority of the Republic."

"Autorité" (Catholic organ) says:

"After the pontifical Encyclicals no Catholic can even discuss a measure which is repudiated beforehand, nor propose any amendment to it, because that would confirm and recognize things already condemned. The intervention of Catholics in the debate would become an Act of High Treason."

"In other words, Members of the Assembly of France elected by their Constituents to make laws for their Country and having as such, taken the customary oath of allegiance to France, are told, *now that the Pope has condemned it*, they must not take part either in making or amending the laws, and that if they do, they will be guilty of High Treason to the Pope."

This latter is the Catholic position and claim in France. Should the Vatican put this principle into practice and call on French Catholics to rebel against their government, it will result in the Vatican losing France, just as a similar policy by Pius V lost them England.

As we have no Union of Church and State, the American Congressman is not put to the test of choosing between loyalty to the Pope and loyalty to his country, but the Pope does force such a choice upon the French Deputy. If the Deputy obeys, he must feel the falsity of his position and his constituents will continue to desert to the side of their country as they have already done by thousands.

On the first day the law went into effect, fifteen Bishops voluntarily left their official residences and twenty-nine seminaries were voluntarily evacuated, because they were the property of the state, and on each succeeding day others rapidly followed, until 39,000 out of the 40,000 parishes had complied with the law.

One example out of the many cases to show the way the Government treated the Church will suffice. It is a very prominent one and aroused the attention of the whole world.

I refer to the expulsion from the residence he had occupied for so many years, of the venerable and much loved Cardinal Richard, now eighty-

nine years old, and head of the Church in Paris and France.

In bygone days when Church and State were in happy accord, it became the custom of the State to turn over to all the higher ecclesiastics a residence, *the property of the State*, befitting their rank, free of rent and suitably furnished. Such a residence was furnished to Cardinal Richard, as it had been to his predecessors from time immemorial.

These special privileges were so ancient that the world in general, and Catholics in particular, had come to regard them as vested rights, as belonging to the Church.

The Law of Separation went into effect, January 1, 1906, and allowed the parishes one year to comply with its requirements. The Papal Nuncio issued a circular letter which was read on Sunday morning, December 10, 1906, in each and all of the 40,000 Churches of France, ordering — not advising — but ordering all Catholics to obey the Encyclical of the Pope, and to disobey the laws of France. Cardinal Richard promulgated it in Paris.

The Government could not with either dignity or safety overlook such a flagrant defiance of law, or openly abandon its duties to the State in the face of such a challenge. In the case of Cardinal Richard it acted calmly and gently, for the venerable prelate is personally much

beloved. An official quietly informed him that the Government wished to take possession of its own property and expected him to vacate as soon as he could conveniently. The Cardinal replied that he would consider the notice as a forcible ejection and fixed upon 1:30 P.M., Tuesday, December 18, as the time when he would leave. At that hour all the Prelates in or near Paris, with all the old Bourbon aristocracy and the irreconcilable "clericals" assembled inside the Palace Yard, and a large crowd of sympathizers and curious onlookers gathered in the street without. There was the singing of hymns, the offering of prayers and vehement protests prior to his departure.

Paris keenly enjoys a skilfully executed "coup" and the one perpetrated on this occasion, set the Boulevards, which means Paris, chuckling with delight and turned what might have been a serious tragedy into a pleasing comedy.

It had been arranged by a group of irreconcilable "clericals," that after the impressive demonstrations of affection for the venerable Cardinal and of protest at his removal had been carried out, and after they had aroused the passions of the populace to the highest pitch, they would unharness the horses and haul him in his private carriage through the streets of Paris to his new residence; then, while doing this, they would crowd around the carriage,

uttering their protests and in the confusion would overturn it. They intended the feeble and helpless Cardinal should at least be injured, he might, perhaps, be killed, then they would charge the Government with causing the calamity and herald it forth to an indignant world as an example of the brutality of the Law of Separation. Their theory was that a dead Cardinal would be a greater asset for the Church than a live one, in that it would fill mankind with indignation at the manner of his death and thus bring condemnation upon the Government responsible for it.

They calculated the Government would fill the Palace Yard with soldiers and line the streets with cavalry, which they would denounce as an example of the force and brutality necessarily connected with the enforcement of an unjust law.

But the Government knew better. Not a soldier, not even a gendarme, appeared upon the scene, only the civil officer who was to officially receive the delivery of the Palace. Instead, the chief-of-police assigned a force of some twenty-five detectives in citizens clothes. These wormed their way into favorable positions and when the time came for the Cardinal to enter his carriage, these detectives, in the guise of ardent adherents, took charge of the unharnessing of the horses and dragged the carriage through the streets to the admiration

of the plotting clericals who thought they were zealots in the cause, even more earnest than themselves. The plotters were an unorganized mob, the detectives were disciplined and had no difficulty in assuming full control and took good care that the carriage was not rushed or overturned and delivered the Cardinal safe and sound at his destination without a mishap, to the great relief of all except the astonished and disgusted plotters.

Knowing it would amuse Paris hugely, the Government immediately made known the "coup" and the populace swallowed the joke with its afternoon *apéritif* and took no further notice of the ejection.

One sample of the moderation of the Government in taking possession of the schools and seminaries owned by it will suffice for the many such. December 20th, officials proceeded to the seminaries of St. Nicholas and St. Sulpice, and called for the evacuation of the buildings. At St. Sulpice they were saying mass when the official arrived. He waited until the service was over before stating his mission. The Director of the seminary then read two protests and declared he would yield only to force. "Ah! I see," rejoined the official smiling, "You insist upon a little formality," then addressing a policeman he said, "Touch the director on the shoulder very lightly with your finger to prove

that he gave way only to violence." The shoulder was touched, the director evacuated the seminary and the Government took possession of its own. Scarcely a day passed during those December days which did not witness a similar scene, somewhere in France.

However, many, especially in Brittany and in the south, were expelled only after the use of actual force and in some cases only after stubborn resistance. But on the whole it was done amid the apathy and indifference of the great masses of the people, to such an extent as hardly to amount to curiosity or cause the passing throngs on the sidewalk to pause to see the result. The Government took possession of its own, the Church scored its point, and these acts are now heralded over all the world by the Church as instances of stolen property.

The case of Monsignore Montagnini de Mirabello, the Papal Representative, was, however, very different and was handled by the civil authorities in an exceedingly prompt and decisive way.

The Separation Law has a special clause, Article 35, fixing a penalty for uttering or publishing *in places of public worship* any incitations to resistance, or sedition, or civil war.

The Vatican claims temporal power. Exercising this temporal power it sends Ambassadors to all foreign nations, called "Nuncios."

There is one in Washington.

There was one in Paris.

This representative of the Vatican issued a circular letter ordering the clergy of the 40,000 parishes in France to read on Sunday, December 10, the Encyclical of the Pope to disregard and oppose the laws of France. The priests obeyed the Papal Nuncio and read his letter.

The police immediately took possession of the residence and letters of Monsignore Montagnini and within twenty-four hours had escorted him to the Italian Frontier and thus expelled him from France.

Fancy the Chinese Ambassador telling the American people they must disobey the laws of Congress when ordered to do so by the Chinese Emperor. Or imagine the Papal Nuncio in Washington sending out a circular to every priest in America saying that the order of the Pope was supreme and his dictum the only law for Americans to obey. Yet this is exactly what was done in France.

One quotation will show the position of the Government after these events. The Prime Minister, M. Clemenceau, concluded a speech in the Assembly thus:

"We shall respect religion and all that is religious, but we shall combat without mercy this Roman policy. Above all things we shall maintain the supremacy of French Civil Law.



I make a last appeal to members of the Right (Catholics). If you want peace, there is yet time, if you want war, you shall have it."

Many, however, obeyed the Pope rather than the Law, thus it will be seen the Pope nullified the Laws of France in so far as those Catholics are concerned who obeyed the Pope. The Vatican practically says it can nullify any French Law, just as South Carolina in 1833, claimed the right to nullify any objectionable United States Law, but with this great difference, South Carolina only claimed the right in *its own territory* while the Vatican claims it in alien territory, and according to Vatican logic, that means the right to nullify any law anywhere in the wide world. And why not? This same Encyclical against France is almost identical in words with the famous Bull of Pope Innocent III, against Magna Charta, which was so dear to all Anglo-Saxons, but which was so obnoxious to the Church of that day, hence France is now contending for the principles of national Sovereignty as well as for religious freedom, the same as England did centuries ago and the Christian world cannot be wholly indifferent.

The crux of the whole matter is, shall the French Assembly make the Laws of France, or shall the Vatican? It is not a question of property, of atheism, or of religious freedom, it

is a question of national sovereignty, which makes it a vital one. Is France a sovereign nation with power to make its own laws, or must she go to Rome and submit them to the approval of an alien power? France says she is Sovereign. Rome says, submit.

The conclusion reached is, that the law separating the Church from the State is not an episode, the result of a temporary quarrel with Rome, is not a confiscation of property and is not a measure for the suppression of religious freedom.

It is a liberating measure born of the spirit of the age, seeking to free the conscience from blind obedience, and to broaden the mind by intelligent and untrammelled worship. It repeals every restriction which hitherto existed upon liberty of worship, and grants new rights of religious freedom not hitherto enjoyed. It wrongs no one. It rights former wrongs. It gives equal rights to all. It is a lesson in loyalty, a defense of the nation's sovereignty, an awakening of justice, and marks the evolution of France from the thralldom of servitude into the full independence of a complete nationality.

The conscience of France has awakened to new ideals of religious equality and of national sovereignty, and the mind has garnered solid wisdom from its past experience and it was

*inevitable* that this separation would come sooner or later.

If France were Protestant like England, where the same question of disestablishment exists, and which the Vatican does not condemn, but on the contrary encourages, it would still be inevitable. It is in the blood, it is in the air, it is in the spirit of modern progress, ~~it will come~~ to England later, it has come to France *now*, and the genius of modern thought, of modern aspirations, and modern love of justice, permeating the masses, will carry this movement through to a successful conclusion in France and elsewhere.

## CHAPTER VI

### THE LAW OF SEPARATION

The Law of 10 Dec. 1905, effective 1 Jan. 1906.

#### CHAPTER I

##### PRINCIPLES

ARTICLE 1. The Republic assures liberty of conscience and guarantees the free exercise of religions, subject only to the restrictions relating to public order. "Elle garantit le libre exercice des cultes."

ARTICLE 2. The Republic neither recognizes nor salaries, nor subsidizes any religion. After Jan. 1, 1906, all appropriations connected with the exercise of religion will be omitted from the Budgets of the State, the Departments and the Communes, except appropriations for charity and for the chaplains who give free religious ministrations to such of the inmates as desire them, in public lycées, colleges, schools, hospitals, asylums and prisons.

All public religious establishments are hereby dissolved as provided for in Article 3.

(*Note 1.* The "public religious establishments")

herein referred to are the Catholic, Protestant and Jewish Churches which were recognized in the Concordat and whose ministers were paid by the State.)

(*Note 2.* This article shows the absence of any antireligious bias in the Law, and secures to the inmates of public institutions free religious ministrations if they desire them.)

## CHAPTER II

### ASSIGNMENTS OF PROPERTY AND PENSIONS

ARTICLE 3. The establishments herewith dissolved by Article 2 can continue to exercise their functions until after the Assignment provided for by Article 4 has been actually carried out.

A Government Inspector and the legal representative of the Church or "establishment" shall jointly take an Inventory and make a valuation of all the property.

*First*, of all real and personal property belonging to the establishment.

*Second*, of all real and personal property belonging to the State, Department or Commune of which these establishments have had the use.

ARTICLE 4. Within a year this property of the "establishment" must be transferred by its legal representatives to the "Association" legally

formed under Article 19, located in the same Commune or district and of the same religious faith, subject to any debts or encumbrances on the property, but retaining any special rights or privileges belonging to that establishment.

ARTICLE 5. Transfers State property to the State, reserving to the "Association" formed any pious foundation previously enjoyed by the establishment, but not until a month after the claim has been adjudicated by a competent tribunal.

ARTICLE 6. Making the new "Association" responsible for the existing debts and obligations of the old establishment and prescribing methods of procedure.

ARTICLE 7. Property extraneous to religion, if charitable in its nature, is to be transferred to a public institution or to one "of public utility" similar in its nature and purposes, but not until, after adjudication and a decree by the Council of State.

ARTICLE 8. If establishment property is not transferred to a legal "Association" within a year it is to be sequestered until it is transferred. It also provides for a judicial trial by the Council of State when the same property is claimed by two or more "Associations" of the same religion.

ARTICLE 9. In default by any "Association" to take over the property of the old establish-

ment, it is to be assigned to the Commune within which it is situated, or in default of that, it is to be assigned to an adjoining Commune. In case of the dissolution of an "Association," it is then to be assigned to a new and similar religious "Association" when formed.

ARTICLE 10. All transfers herein required are to be exempt from all Taxes and all Internal Revenue Stamps, such as are levied on secular transfers.

ARTICLE 11. Ministers of religion, now in service, who have hitherto received their salaries from the State, shall receive from the State a pension for life. If they are sixty years old and have served for thirty years, three-fourths of their present salary. If they are forty-five years old and have served twenty years, one-half of their present salary. In case of death, one-half of said pension shall be paid to his widow and children under age, or one-fourth to a widow without children. The pension to children to lapse when the children become of age. All other ministers hitherto salaried by the State, with less years of service, shall receive a pension for four years as follows: For the first year they receive their whole salary. For the second year they receive three-fourths of their whole salary. For the third year they receive one-half of their whole salary. For the fourth year they receive one-third of their whole salary.

In communes of less than 1000 population, if they continue to serve, the duration of each of these four periods shall be doubled.

These pensions are without prejudice to other pensions or rights previously given the minister or his family. These pensions are untransferable, are exempt from distraint for debt, but are forfeited "By circumstances which cause a man to lose his French Nationality," or by conviction for crime. Application for pensions must be made within a year.

### CHAPTER III

#### ECCLESIASTICAL BUILDINGS

ARTICLE 12. All churches, buildings, residences of clergy, seminaries with their furniture and fittings which were the property of the State and which were loaned to the establishments for their use, shall remain the property of the State or Commune owning them.

ARTICLE 13. State Buildings used for public worship with their furniture and fittings shall be left gratuitously for the use of the "establishments" which have used them, and then to the "Associations" which replace them under Chapter II. The cessation of this possession may be made after a legal hearing by the Council of State, for the following reasons:



*First.* If the beneficiary association is dissolved.

*Second.* If the association ceases worship therein for more than six months.

*Third.* If the buildings are not kept in repair.

*Fourth.* If the buildings are diverted from their proper use as places of worship.

*Fifth.* If historical monuments are not cared for as provided in Article 16.

*Sixth.* If no religious association claims them within two years.

ARTICLE 14. The State residences of the Clergy for two years and of seminaries for five years are left gratuitously to the Association under the same conditions as specified for churches in Article 13.

ARTICLE 15. Refers to rights acquired in Savoy and Maritime Alps before the Concordat.

ARTICLE 16. Provides for the preservation of historical buildings, fixtures and relics which are to be scheduled.

ARTICLE 17. Scheduled objects are to be open to the inspection of the public free of charge and may be sold under the supervision of the Minister of Fine Arts, but cannot be removed from France.

## CHAPTER IV

### ASSOCIATIONS FOR THE PRACTICE OF RELIGION

ARTICLE 18. Associations formed to maintain public worship must conform to the Law of 1 July 1901, known as the Association Law, of which Chapter 1, Articles 1 to 5, refers to ordinary business corporations and the remainder of the Law to religions.

ARTICLE 19. These "Associations" must be formed *exclusively* for worship and must have a minimum membership as follows:

In communes of less than 1000 inhabitants, seven adult persons.

In communes of from 1000 to 20,000 inhabitants, fifteen adult persons.

In communes of over 20,000 inhabitants, twenty-five adult persons, all to be residents within the district. A member of the Association may retire at any time upon paying his dues. A report must be made once a year to the general meeting for its approval of the financial condition and of the legal administration of the property. The Association has power to receive and pay out money and to do everything necessary for its purposes, except it cannot under any circumstances receive subventions from the State, the Department or the Commune, but any allowance for the repair of registered

monuments or works of art shall not be considered as a subvention.

ARTICLE 20. These Associations may form "Unions;" so, if they desire, all the Associations of any one religion can unite into one central administration or organization either for the whole country or for any portion of it.

ARTICLE 21. The Associations and Unions shall keep an account of receipts and expenditures and each year draw up a balance sheet and shall inventory their property, real and personal, and submit the same to the Inland Revenue Department for inspection.

ARTICLE 22. The Associations and Unions may have a reserve fund for the maintenance of their religion, which cannot be diverted to any other purpose and may have a special reserve fund to be employed exclusively in the purchase, construction, or repair of real or personal property for the use of the Association or Union.

ARTICLE 23. Any director of any Association or Union, who violates the Law shall be fined, and any Association or Union which violates Articles 18, 19, 20, 21 or 22, may be dissolved by the Courts.

(*Note.* This is the only case where an Association or Union can be dissolved by the State, or by any power, except by the religion itself, the Government holding that misapplication of

funds is criminal and must be punished when committed by an Association, just as it would be if committed by a business corporation.)

ARTICLE 24. All Churches used for worship are exempt from taxation, but all other property belonging to the Associations or Unions are subject to taxes, except they are exempt from the four per cent Income Tax and from the special tax imposed on business corporations.

## CHAPTER V

### REGULATION OF PUBLIC WORSHIP

ARTICLE 25. Association assemblies for worship must be public. They require registration as such only once a year.

(*Note.* General assemblies require a registration for each meeting.)

ARTICLE 26. It is forbidden to hold political meetings in places regularly used for public worship.

ARTICLE 27. Relates to out of door meetings and processions.

ARTICLE 28. No religious emblem shall be fixed upon any public monument or in any public place except on places of worship, cemeteries, monuments of the dead, or in museums or exhibitions.

ARTICLE 29. Contraventions of these articles shall be punished by simple police penalties.

ARTICLE 30. Religious teachings to children between six and thirteen years of age, who are attending public schools, may be given only outside of school hours.

ARTICLE 31. Fine or imprisonment imposed on those who by assault, violence or threat against an individual make him fear the loss of his employment; or by exposing his person, family or fortune to injury, shall determine him to practice or to refrain from practicing a religion; to join or to leave a religious association; or to contribute or abstain from contributing to the maintenance of a religion.

ARTICLE 32. The same penalties on those who hinder, delay or interrupt a service of religion.

ARTICLE 33. Articles 31 and 32 apply only to those minor outrages which shall not call for the severer penalties of the Penal Code.

ARTICLE 34. Fine and imprisonment for any minister who in places of religious worship shall, by spoken discourse, by reading, by distribution or placarding of written or printed notices, have insulted or defamed a citizen holding a public office.

(*Note.* Ministers can say and do what they please outside of places of public worship. Considering the churches are permanently given,

free of charges, to the associations, and the ministers are protected by this same law from any interruption or dissent from their remarks, it is reasonable that ministers of religion should not be allowed to use their protected position to defame from the pulpit the Government or to insult State officials or to incite to illegal action before an audience that is by the same law forbidden to reply to or dissent from it.)

ARTICLE 35. Fine or imprisonment for any minister who in a place of public worship delivers a sermon, or placards or distributes a document which contains a direct provocation to resist the execution of the Laws, or the legal acts of Public officers, or tends to arouse or to arm one section of the citizens against the others by sedition, revolt or civil war.

(*Note.* This and Article 34 apply only to action by ministers in places of public worship. Outside of places of public worship ministers are subject to no restrictions.)

ARTICLE 36. The Association which has charge of the building wherein the infraction has been committed shall be civilly responsible for violations of Articles 25, 26, 34 and 35.

## CHAPTER VI

### GENERAL REGULATIONS

ARTICLE 37. The Penal Code applies in all major cases where the law provides penalties.

ARTICLE 38. Religious Orders are subject to the Law.

ARTICLE 39. Ecclesiastical students are exempt from military duty.

ARTICLE 40. For eight years ministers cannot be eligible for election to the Municipal Council in the commune wherein they exercise their ecclesiastical functions.

ARTICLE 41. Money previously paid to the Roman Church by the State in the Budget of Religions shall hereafter be paid to the Communes, in proportion to the land tax on vacant land assigned to them previous to this Law.

ARTICLE 42. Present legal holidays to continue.

ARTICLE 43. Public Administrative By-laws to be drawn up for executing this Law.

ARTICLE 44. Repeals the Concordat and other inconsistent Laws.























# Kansas City Public Library



Presented to the Library by

Wm H. H. Stowell

UNIVERSAL  
LIBRARY



136 858

UNIVERSAL  
LIBRARY